

## **A. Introduction and Background**

### **1. Purpose**

The Habitat Management Plan for Natural Communities in the City of Carlsbad (Carlsbad HMP, "the Plan") proposes a comprehensive, citywide, program to identify how the City, in cooperation with federal and state wildlife agencies, can preserve the diversity of habitat and protect sensitive biological resources within the City while allowing for additional development consistent with the City's General Plan and its Growth Management Plan. In so doing, the Plan is intended to lead to citywide permits and authorization for the incidental take of sensitive species in conjunction with private development projects, public projects, and other activities, which are consistent with the Plan. These permits would be issued under the U.S. Endangered Species Act, the California Endangered Species Act, the California Natural Community Conservation Planning Act.

The Plan also is designed to serve the following additional functions:

1. Preserve wildlife and habitats as part of the City's permanent open space system and thereby be a component of the Open Space and Conservation Element of the City's General Plan;
2. Allow the City to construct public facility and infrastructure projects dictated by the City's Growth Management Plan;
3. Define the City's contribution to regional efforts to conserve coastal sage scrub (CSS) habitat and species under California's Natural Community Conservation Planning (NCCP) program. The Plan constitutes an Ongoing Multi-Species Plan (OMSP) that is consistent with NCCP guidelines;
4. Allow projects in the City to fulfill their federal and state Endangered Species Act (ESA) requirements for certain species through compliance with the HMP;
5. Constitute a habitat conservation plan (HCP), as described in Section 10(a)(1)B of the Endangered Species Act and Section 2835 of the California Endangered Species Act related to the NCCP Program, submitted with the City's application to the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) for authorization to take certain listed species; and
6. Constitute Carlsbad's Subarea plan within the North County Multiple Habitat Conservation Plan (MHCP).

Formal approval and adoption of the Plan will occur through issuance of Section 10(a) Permit and approval and execution of an Implementing Agreement between the City, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game. Private development projects would be treated as third party beneficiaries under the Implementing Agreement, which will authorize citywide permits for a term of 50 years, with a provision for extensions.

### **2. Goals and Objectives**

The overall goal of the HMP is to contribute to regional biodiversity and the viability of rare, unique or sensitive biological resources throughout the City of Carlsbad and the larger region

while allowing public and private development to occur consistent with the Carlsbad General Plan and Growth Management Plan.

The specific biological objectives of the Plan are to:

- Conserve the full range of vegetation types remaining in the City, with a focus on rare and sensitive habitats;
- Conserve areas of habitat capable of supporting the HMP Species in perpetuity; and
- Maintain functional wildlife corridors and habitat linkages within the City and to the region, including linkages that connect gnatcatcher populations and movement corridors for large mammals.

The specific conservation objectives of the Plan are to:

- Maintain functional biological cores;
- Maintain functional linkages and movement corridors;
- Conserve rare vegetation communities;
- Conserve narrow endemic species and maintain populations of target species; and
- Apply a "no net loss" policy to the conservation of wetlands, riparian and oak woodland habitats.

The specific land use objectives of the Plan are to:

- Protect important wildlife habitats while allowing for orderly growth and development;
- Provide a menu of land use measures to protect and conserve habitat according to the Plan including standards relating to mitigation, open space dedications and density transfers;
- Provide a framework for coordinating and monitoring the protection and management of biological resources in natural open space; and
- Provide for the continued implementation of the Growth Management Plan, particularly the provision for ensuring adequate public facilities to serve new growth.

The specific economic objectives of the Plan are to:

- Minimize ESA-related mitigation costs to public and private projects;
- Allow continued economic growth and development in the City; and
- Minimize the overall cost of HMP implementation to the City and its residents.

### **3. Background**

The City's interest in preserving sensitive habitat dates back many years. When the City adopted its first Open Space and Conservation Element of the General Plan in the mid-1970's, the element identified an interconnecting open space system that traversed the entire City. This plan provided for a system of greenbelts between development areas and the potential for an interconnected trail system, and at the same time it also set a foundation for allowing the possibility of linking areas for wildlife habitat connectivity. In the late 1980's the City appointed a Citizens Committee to review the Open Space Plan. A primary recommendation of the Committee was to make the protection of wildlife habitats and sensitive species an open space priority.

The City's continued commitment to the HMP dates back to November 1990, when the City Council authorized technical studies for a habitat conservation component for the Open Space and Conservation Element of the City's General Plan. Subsequently, several events defined a local, regional, and regulatory context for the HMP planning process. These events include:

1. The listing of the coastal California gnatcatcher and other species;
2. Initiation of the NCCP Coastal Sage Scrub (CSS) program;
3. Execution by the City of NCCP planning agreements with the USFWS, CDFG, and California Resources Agency;
4. Initiation of the North County Multiple Habitat Conservation Program (MHCP) as a sub-regional planning effort under the NCCP program;
5. USFWS and CDFG approval of impact mitigation and habitat conservation measures for individual development projects within the City; and
6. Preparation and revision of earlier drafts of the HMP.

### **4. Listing of the Gnatcatcher and Other Species**

In 1993, the coastal California gnatcatcher was listed as threatened under the Federal ESA. This listing affected a wide range of public and private projects in the City, because a significant amount of gnatcatcher habitat exists in the City. To proceed, projects in areas with gnatcatchers would have to completely avoid "take" or seek Federal authorization. Several other species have been listed under the Federal or California ESA since the HMP process began. Currently, approximately 25 species that are listed, or proposed for listing, occur or are associated with habitats in the City.

### **5. NCCP Program**

In 1991, the California NCCP Act was approved, and the NCCP CSS program was initiated in Southern California. In the initial phases of the program, process and conservation guidelines were developed, and the USFWS adopted a special rule regarding the gnatcatcher pursuant to Section 4(d) of the Federal ESA. This special rule exempts take of gnatcatchers during the interim period prior to approval of plans under the NCCP program provided it is consistent with NCCP process and conservation guidelines. In connection with the NCCP program and 4(d) rule, by informal, regional agreement, interim impacts in the San Diego region were

capped at 5% of the existing habitat within each jurisdiction participating in the NCCP program (165.7 acres in the City). This limitation has been in place since 1993.

## **6. Planning Agreements**

In connection with the gnatcatcher listing and NCCP program, the City entered into memoranda of agreement (MOA) with USFWS and CDFG in 1991 and signed a NCCP agreement with the California Resources Agency in 1992. The MOAs expressed the City's intention to complete the HMP as part of its General Plan and, in the interim, to work cooperatively with USFWS and CDFG to address the impacts of individual projects on sensitive habitats such as CSS. The 1992 agreement enrolls the City in the NCCP program as an "Ongoing Multi-Species Plan" as defined in the NCCP process guidelines, (i.e., as a pre-existing conservation program whereby the objectives of the NCCP program can be substantially achieved). The agreement was supplemented in 1993 to clarify that the HMP is a Subarea Plan within the North County MHCP.

## **7. North County MHCP**

The North County MHCP is a subregional NCCP planning effort that encompasses land within the cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach and Vista. This Plan is being developed through a cooperative effort by the seven cities and the San Diego Association of Governments (SANDAG). Key tasks completed to date include: vegetation mapping of the subregion; compilation and analysis of data on species occurrence; preparation of draft biological goals, standards, and guidelines for preserve design; preliminary identification of biological cores and linkages for a subregional preserve system; delineation of a preliminary focus planning area within the cities for preserve design and the preparation of a draft Plan for public review and comment. Institutional arrangements and financing mechanisms for habitat management and acquisitions also will be developed under the MHCP to facilitate implementation of Subarea plans such as the HMP. As part of the preparation of the MHCP, the need for the conservation of a gnatcatcher biological core in the southern central portion of the MHCP including the county unincorporated area southeast of Carlsbad was identified. Carlsbad's participation in this core area is discussed in detail in Section D of the HMP. Completion of the MHCP, however, is not required for City, USFWS, or CDFG approval of the HMP.

## **8. USFWS and CDFG Approved Projects**

Subsequent to initiation of the HMP, USFWS and/or CDFG have authorized certain projects in the City to take listed species and/or remove sensitive habitats, conditioned on implementation of specific conservation and mitigation measures. The projects include:

- Arroyo La Costa;
- Rancho Carrillo;
- Rancho Verde; and
- Villages of La Costa/Rancho Santa Fe Road (i.e., the projects covered by the Carlsbad Fieldstone Habitat Conservation Plan).

In the HMP planning process, the impacts of and mitigation for these projects are treated as follows:

1. For projects being phased over time, existing vegetation in the approved impact areas is treated as if it were already removed;

2. Onsite and offsite mitigation lands for the projects are treated as already conserved if the lands have been explicitly delineated;
3. The additional offsite mitigation to be provided under the Fieldstone HCP in one or more locations is treated as part of the contribution of the HMP; and

## **9. Preparation and Revision of Earlier Drafts**

The first technical report for the HMP was completed in 1992 and provided the basis for a preliminary conservation strategy in 1993. Preparation of the draft HMP was coordinated with vegetation mapping and habitat evaluations conducted for the MHCP and completion of the Fieldstone/La Costa Associates HCP. This effort culminated in a public review draft of the HMP dated July 1994. Further refinement of the draft HMP was postponed until agreement could be reached between the City, CDFG, USFWS and Fieldstone on the Fieldstone/La Costa Associates HCP and the agencies could provide comments on the draft HMP and its relation to the MHCP. The Fieldstone/La Costa Associates HCP was approved in June 1995. City staff and consultants then met with the agencies and were advised of the agencies' concerns that the HMP needed additional detail regarding the amount and location of habitat proposed for conservation and more definitive guidelines for achieving conservation goals over time.

In response to comments on earlier drafts of the HMP and in connection with defining biological cores and linkages within the City as part of the MHCP, City staff and consultants met with landowners and project proponents to determine where general or detailed conservation plans for individual properties could be identified. These property-specific conservation proposals are in addition to the previously noted projects with agency approved plans. Following these meetings, the HMP data base and maps were revised to reflect updated vegetation information and the approved and proposed conservation areas within the City. The text of the HMP also was revised to reflect the changes and clarify what the HMP would do and how it would be implemented. The revised draft of the HMP was then submitted to the wildlife agencies as an agency review draft. The City and the wildlife agencies then began a very detailed and lengthy review and interaction process to determine amendments needed to the Plan to ensure consistency with applicable regulations and guidelines. This HMP document reflects that process.